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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,560	08/10/2001	Ronald E. Sloan	60021-375502	6833
29838 7590 02/08/2008 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609				
EXAMINER GREIMEL, JOCELYN				
ART UNIT		PAPER NUMBER		
3693				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/927,560

Applicant(s)

SLOAN ET AL.

Examiner

JOCELYN GREIMEL

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-10, 12-18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12-18 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 10/31/07.

DETAILED ACTION

This communication is in response to Applicant's Amendments and Remarks filed 21 November 2007.

Status of Claims

Claims 1, 3-10, 12-18 and 20-25 are currently pending. Claims 1, 9 and 18 are independent claims. Claims 1, 9 and 18 are currently amended.

Information Disclosure Statement

The Information Disclosure Statement filed 31 October 2007 has been considered.

Claim Objections

The claim objections to claims 1, 3-10, 12-18 and 20-25 under MPEP §2111.04 are withdrawn.

Response to Arguments

Applicant's arguments filed 21 November 2007 have been fully considered but they are not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, in reference to Applicant's arguments that Jones does not teach automated advice and live advice, Wren is utilized to provide this component to the financial advice and modeling system of Jones. Also, in reference to the argument that Wren does not show the creation of a financial dialogue with a computer-generated coach or a financial advisor or utilization of a financial model, the Wren reference is used to teach automated and live help. Jones teaches the financial advice and financial modeling. The system of Wren is discussed in reference to the financial service market and could be applied to all types of markets. Jones specifically is designed for the financial services industry and for advising a user in these matters.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-10, 12-18 and 20-25 are rejected under 35 U.S.C. 103(a) as being obvious over Jones (US Patent No. 6,021,397) in view of Wren (US Patent No. 6,055,514) and further in view of Killeen (US Patent No. 6,324,523).

In reference to claims 1, 6-8, 9, 14-17, 18 and 20-25, Jones discloses a method, system, apparatus and computer readable medium for providing online web-based financial counseling over a wide area network such as the Internet, comprising:

aa. providing a plurality of unique service levels each including a combination of computer coaching and live coaching, wherein each of the unique service levels includes a unique combination of amounts of available coaching and live coaching;

a. developing a service level agreement with a user which includes a desired service level wherein developing a service level agreement comprises:

- i. prompting the user to input personal financial information;
- ii. receiving from the user a desired service level selected from the plurality of available unique service levels;
- iii. estimating profitability based on the financial information; and iv. negotiating fees to be charged to the user based upon estimating profitability and

the desired level of service prior to providing services under the service agreement;

b. developing a financial model for the user utilizing computer coaching and live coaching wherein the coaching includes permitting the user to enter a dialogue with at least one of a computer-generated coach and a live-coach over the Internet as determined by the service level agreement; and

c. using the financial model utilizing said computer coaching and said live coaching as determined by said service level.

3. Jones teaches developing a financial model for the user but does not teach utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement. Wren discloses developing a financial model for the user utilizing at least one of computer coaching and live coaching as determined by the service level agreement; and using the financial model remotely utilizing at least one of said computer coaching and said live coaching as determined by said service level agreement (col. 9, line 2 - col. 17, line 29). It would have been obvious to one having ordinary skill in the art at the time of the invention for Jones' computerized financial model system to use a live coach as disclosed by Wren as the live interaction would aid in customer service and improve the interaction and financial preparation between the financial corporation and the client.

4. Jones and Wren do not disclose a selection of a desired service level from a plurality of available service levels. However, Killeen discloses selecting an amount of coaching advice and a selection of a type of financial product configuration, which is a selection of service level (see at least table 1: "service entitlement summary"). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have modified the financial modeling system with various types of coaching, as in Jones and Wren, with the ability to select a service level from a variety of service levels as in Killeen as it would create a more user-oriented service as the user can select exactly what type of system they need, thereby increasing system use and provider profitability.

5. Additionally, in reference to claims 3, 4, 5, 10, Jones discloses a financial counseling system wherein:

- a. The service level agreement includes a determination of access to at least one account of a user (col. 3, line 30 - col. 4, line 59; col. 5, line 50 - col. 6, line 2; col. 6, line 3 - col. 7, line 10);
- b. The financial model includes developing a user's equity investment portfolio (col. 3, line 30 - col. 4, line 59; col. 5, line 50 - col. 6, line 2; col. 6, line 3 - col. 7, line 10);
- c. Determining the financial goals of the user and the user's risk tolerance, determining the current equity positions of a user, and suggesting new equity

positions for a user (col. 3, line 30 - col. 4, line 59; col. 5, line 50 - col. 6, line 2;
col. 6, line 3 - col. 7, line 10);

d. The wide area network is the Internet (col. 7, lines 50-60).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- e. Moran (6,430,542)
- f. Atkins (4,953,065)
- g. Peters (2003/0088489)
- h. Hoffman (7,249,080).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOCELYN GREIMEL whose telephone number is (571)272-3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

Jocelyn Greimel
Examiner, Art Unit 3693
January 30, 2008